



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

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June 18, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Daniel J. Bryant *DJB*  
Assistant Attorney General

SUBJECT: Weekly Report for June 18, 2001- June 29, 2001

THIS WEEK

**Alternate Case Scenario:** On Friday, June 15, the Terrorism and Violent Crime Section and OLA accompanied the Environmental Protection Agency (EPA) to a meeting with Senate Environmental and Public Works staff. The EPA was updating committee staff on recent access to alternate case scenario data. A similar meeting is scheduled with House Commerce staff on Monday, June 18. (Daley)

**Guestworkers:** The House Immigration Subcommittee will hold a hearing on Guestworkers on Tuesday, June 19th. No administration witness has been requested. (D.Burton)

**Department Reauthorization:** On Friday, June 8, the Judiciary Committee sent DOJ a list of more than 20 questions related to reauthorization, with a request that the Department reply by Thursday, June 14. The Committee is preparing to introduce a draft bill on Monday, June 18, and mark the bill up on Wednesday, June 20. (Owen)

**Vaccines:** On Wednesday, June 20, staff from OLA and the Civil Division will meet with staff from the Senate Committee on Health, Education, Labor and Pensions to discuss the Vaccine Injury Compensation program. (Pearlman)

**Air Carriers Antitrust Exemption:** On Wednesday, June 20, the House Judiciary Committee will mark up H.R. 1407, legislation to grant air carriers an antitrust exemption to coordinate flight reductions in order to relieve congestion at airports. This bill was reported by the Committee on Transportation, and is before the Judiciary Committee on limited-time sequential referral. [REDACTED] (Slover, Coughlin)

FOIA EXEMPTION (b)5

**FBI:** On June 20, 2001, the Senate Judiciary Committee will hold an oversight hearing on the FBI. Witnesses will include Judge William Webster, former Senator John Danforth, Inspector

**General Glenn Fine, and former Inspector General Michael Bromwich.** On June 15, 2001, the Committee requested a variety of documents on FBI matters relating to the investigations of Hanssen, McVeigh, and the Bureau's handling of informants in Boston, a pending matter. This request is under review within the Department.

The Department also is continuing to review a House Government Reform Committee request for documents relating to the on-going Task Force investigation regarding the Bureau's handling of informants in Boston. This and other outstanding Committee requests frame important access issues regarding open matters and deliberative process, which we hope to resolve with the Committee in the near future. (Tanner, F.Burton)

**Born-Alive Infants Protection Act:** On Thursday, June 21, the House Constitution Subcommittee will hold a hearing on H.R. 2175, introduced by Chairman Chabot, which would give legal status to infants who are born-alive at any stage of development. (D.Burton)

**Child Sex Crimes Wiretapping Act:** There will be a hearing on June 21 on H.R. 1877, the Child Sex Crimes Wiretapping Act. FBI Deputy Director Thomas Pickard will testify. (Owen)

#### THE WEEK AHEAD

**Death Penalty:** On June 27, 2001, the Senate Judiciary Committee will hold a hearing on ensuring competent counsel for defendants in capital cases. (Tanner)

**Human Rights Abusers:** Representative Wolf has requested a briefing on human rights abusers in the United States. Staff from OLA, FBI and INS will be working with his office on scheduling an appropriate meeting. (D.Burton)

**Daral Hijag Islamic Center:** Representative Tom Davis has requested information related to an Islamic Center in his district. Staff of OLA are working with INS and FBI on scheduling a briefing. (D.Burton)

#### THE WEEK IN REVIEW

**Hanssen:** Glenn Fine, the Department's Inspector General, briefed Senate Judiciary staff on the structure of the IG investigation on the Hanssen matter on Monday, June 4, and held a follow-up briefing for other committee staff unable to attend the June 4 briefing on Monday, June 11. (Walter)

**Non-Immigrant Nurses Visa:** The regulation for H-1C visas was published in the Federal Register on Monday, June 11th, under the title, "Petitioning Requirements for the H-1C Nonimmigrant Classification." (D.Burton)

**Sharing Electronic Surveillance with the Intelligence Community:** Criminal Division's Deputy Assistant Attorney General Bruce Swartz joined representatives from the FBI and the CIA at a briefing for Senate Intelligence Committee staff on June 4 on issues of sharing Title III wiretap information with the intelligence community. Acting Counsel for Intelligence Policy James Baker joined representatives from the FBI and the CIA, for a similar briefing for Senate Intelligence Committee staff on issues of sharing FISA information with the intelligence community on June 12. (Walter)

**DNA Analysis and Related Issues:** Representatives of the FBI and the Office of Justice Programs testified on June 12, 2001, before the House Committee on Government Reform's Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations on the Department's efforts to work with state, local and other federal agencies to strengthen the application of DNA technology to criminal investigations. (Tanner)

**Cyber Crime Hearing** On Tuesday, June 12, Criminal Division's Assistant Attorney General Michael Chertoff testified before the House Judiciary Subcommittee on Crime (Smith, Chair) on behalf of the Department's efforts to combat cyber crime. The hearing focused on the federal law enforcement role and is the second in a series of three. The Subcommittee hopes to draft legislation in the near future to assist law enforcement in their efforts. (Daley)

**Death Penalty:** The Constitution Subcommittee of the Senate Committee on the Judiciary held a hearing on June 13, 2001, on the administration of the federal death penalty. Deputy Attorney General Larry Thompson testified. (Tanner)

**Charitable Choice:** On Wednesday, June 6, Carl Esbeck of the Office of the Deputy Attorney General testified on Charitable Choice issues before the Senate Judiciary Committee. On Thursday, June 7, Mr. Esbeck testified before the House Judiciary Committee, Subcommittee on the Constitution, regarding H.R. 7, the principal House charitable choice bill. The House Ways and Means Committee marked up H.R. 7 on Thursday, June 13. There is some expectation that Charitable Choice will move in the House in the near future. (Owen)

**Nominations:** On June 12, the following nominations were sent to the Senate: James Ziglar, to be Commissioner of the Immigration and Naturalization Service, and Representative Asa Hutchinson, to be Administrator of the Drug Enforcement Administration.

The nomination of Charles James, to be the Assistant Attorney General for the Antitrust Division, was confirmed by the Senate on June 14. (Scott-Finan)

**Mexico Migration Working Group:** On Wednesday, June 13th, staff from DOJ and State briefed staff for Senators Kennedy and Brownback on the current discussions between the United States and Mexico on issues of border safety, enforcement, and guestworkers. Similar briefings were held on Friday, June 15th for majority staff of the House Judiciary Committee, and staff from the House and Senate. (D.Burton)

**Brownfields:** On Wednesday, June 13, staff from OLA and ENRD met with staff from the House Energy and Commerce Committee to discuss the enforcement provisions of S. 350, the "Brownfields Revitalization and Environmental Restoration Act of 2001." This bill has been endorsed by the Administration, and is currently pending in the House. (Pearlman)

**Informant Guidelines:** Thursday, June 14th, staff of the FBI and Criminal Division briefed the Senate Judiciary staff on the policy of new informant guidelines. The briefing focused on the guidelines and the continued interest of law enforcement in allowing effective oversight/controls while avoiding undue, chilling burdens on establishing informants. (Coughlin)

**Elder Abuse, Neglect, and Exploitation:** On June 14, 2001, the Civil Division's Acting Assistant Attorney General Stuart Schiffer testified at a hearing before the Senate Special Committee on Aging on Elder Abuse, Neglect, and Exploitation. (Pearlman)

**Unaccompanied Minors:** Congresswoman Jackson Lee has postponed a Minority forum on Unaccompanied Minors and therefore postponed a Member briefing by Immigration and - Naturalization Service and Executive Office of Immigration Review, originally scheduled for June 14th. The hearing and briefing are expected to be rescheduled in mid-July. (D.Burton)